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PART II

ENVIRONMENTAL PROTECTION AGENCY

FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL-895-7]

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice changes the requirement for the format and contents of fuel economy labels which are required to be attached to new automobiles (cars and light trucks). These changes will go into effect beginning with the 1979 model year.

The modifications to the labeling requirements established by this rule are expected to improve the mileage information program by providing only the value previously labeled the "city" estimate, which more accurately reflects in-use mileage than either the highway or combined estimates, and by communicating the relative nature of the information more effectively than the current system, so that the potential for consumer misunderstanding of the data is reduced.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Paula Machlin, U.S. Environmental Protection Agency, Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460, 202-755-0596.

SUPPLEMENTARY INFORMATION: This notice changes the requirements in 40 CFR Part 600 for the format and contents of fuel economy labels which are required to be attached to new model automobiles by § 506 of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2006), hereinafter "the Act." This rule will go into effect in the 1979 model year.

The modifications to the labeling requirements established by this rule are expected to improve the mileage information program by providing only the value previously labeled the "city" estimate, which more accurately reflects in-use mileage than either the highway or combined estimates, and by communicating the relative nature of the information more effectively than the current system, so that the potential for consumer misunderstanding of the data is reduced.

Although it is EPA's judgment that this action is necessary to alleviate the problems caused by the deficiencies of the current program and that these changes can reasonably be expected to reduce these problems, this proceeding has not resulted in the development of information sufficient to satisfy EPA that, for the long term, this rule provides the best information in the best manner possible. In particular, EPA believes that it should be possible and may be useful to provide the public with a range of fuel economy values that most of the individual automobiles in a model will actually get in use, but data adequate to derive such ranges are not yet available.

Consequently, EPA and the other Federal agencies involved in the program [the Federal Trade Commission (FTC), the Department of Transportation (DOT) and the Department of Energy (DOE)] view this action as an interim measure and intend to cooperate in the coming year in the taking of the steps necessary to evaluate the effectiveness of the modified program and in developing such data and additional modifications as may be needed.

Background

EPA proposed changes to the manner in which mileage information was presented to the public on February 16, 1978 in the Federal Register (43 FR 6817) in response to what appears to be growing public dissatisfaction with the mileage estimates. The estimates are generally believed to be unrealistically high in comparison to fuel economy performance actually achieved on the road. EPA is concerned that this may result in reduced reliance on the EPA estimates in making new car purchasing decisions in the future. In addition, to the extent that the proper use, meaning, and limitations of the mileage information are not communicated effectively to new car buyers, the information may be used to make incorrect purchase decisions.

The Notice of Proposed Rulemaking (NPRM) recognized that the problem has two separate components: (1) Technical issues related to fuel economy testing which suggest that, in some cases, the fuel economy measured by the test may not be fully representative of the fuel economy experienced on that model in actual use; and (2) issues related to the difficulty of communicating technical information in a simple, readily usable form without being misinterpreted. The NPRM proposed and this notice promulgates means for addressing the latter issue. Actions that EPA is undertaking to address technical issues are discussed in the section entitled "Future Actions," below.

The NPRM proposed three basic alternatives to the present city, highway and combined [1] estimates for communicating fuel economy information generated from EPA testing:

1. *Publish only a single miles per gallon fuel economy rating.* The NPRM noted that a single value would emphasize the comparative value of the EPA estimates and suggested that it might be the city fuel economy estimate which agrees quite closely with average in-use fuel economy, although the combined number, or some derivation of either of these values could be used as the single rating.

2. *Publish three miles per gallon estimates, as at present, but adjust the values to account for driving conditions more adverse to fuel economy than those included in the EPA tests, and represent the estimates as low, mid-range and high fuel economy.* The NPRM pointed out that this option's low estimate would not represent the lowest fuel economy that could be experienced but would represent a number lower than would be typically achieved by the vast majority of drivers. Similarly the high value would not be the absolute maximum but would be typical of a mix of predominantly highway driving with some urban driving. The mid-range value would be one representative of the mean fuel economy for all in-use driving.

3. *Publish only a relative fuel economy performance index, which compares the measured results for each model to a common base, without providing miles per gallon values as such.* The advantage of this approach is that it completely gets away from miles per gallon and the expectations created by such data, and focuses attention exclusively on comparing the relative fuel economy performance of new model cars which is the intent of the mileage information program.

Discussion of Comments and Other Relevant Materials

The comments received on the NPRM reflected a wide variety of interests and opinions, but there was general agreement that there are deficiencies in the mileage labeling program that contribute to public misunderstanding of the mileage estimates and that, therefore, some action is needed to alleviate the consumer deception and dissatisfaction that may result from such misunderstandings.

Several Federal agencies and manufacturers expressed concern, however, that due to the short time remaining before production of most 1979 models begins (in August, 1978) and the desir-

[1] The combined estimate is defined as the harmonic average of the city and highway fuel economy tests weighted 0.55 and 0.45 respectively. The combined estimate is prescribed by the Act as the number to be used by the Secretary of Transportation in determining compliance with the passenger automobile fleet average fuel economy standards established under section 502(a) of the Act.

ability of gathering additional information, it may be best to make no changes until model year 1980.

While EPA recognizes that it would be desirable to gather additional information regarding which manner of presenting mileage ratings most effectively conveys useful information to new car-buyers, and agree with those who commented that frequent changes in format of the labels could lead to confusion and should be avoided, EPA disagrees that no changes should be made for model year 1979. EPA believes that the record is sufficient to support immediate implementation of some changes. It is EPA's judgment that the basic concerns expressed in comments received on the proposed rule and other information gathered in the course of this rulemaking provide a basis on which to establish a rule that at least partially addresses the problems noted above. Although this is clearly not the final action that EPA will be taking to improve the program, it is in the public's interest to implement these changes as soon as possible.

Industry comments indicated that at least two months lead time would be required to accommodate changes in label format. EPA believes this action to be timely for 1979 implementation even though some labels may be in use that do not comply with these modifications. Although some confusion may result from some limited use of the old formats and the combined and highway numbers on some labels, this action is being taken early enough so that this should be quite limited.

Summary of Industry Comments

With one exception, industry tended to favor an approach that would at least partially retain current numerical test values. The rationale for this preference was the need to maintain consistency between model years to permit comparison of different model year vehicles. In commenting on which value to use should a single number option be adopted, industry as a whole preferred the combined over the city estimate. The basis for that preference is that consistency among label values and the values used in enforcing average fuel economy standards would further serve to minimize potential public confusion. In addition, the combined value includes some credit for transmission improvements, such as overdrive, that are measured mainly in highway testing. Other recommendations by individual manufacturers included retention of the current ratings with changes only to the format of the labels, adoption of a single value, use of an index, use of a range based on correlation with in-use data, and simply dropping the highway number.

Summary of Consumer Group Comments

Consumer groups expressed a strong concern over the use of the EPA estimates in advertising and the impact of that on consumer expectations and subsequent dissatisfaction. From their viewpoint, changes in advertising policy were required in conjunction with this rulemaking in order for this action to have a significant effect on consumer perception of the use of the mileage information. There was also a definite consensus that the use of ratings in terms other than mpg is not desirable due to the low probability that most people would understand and use such an index. In commenting on which value should be used in the event that a single estimate is published, the groups that commented preferred the city test value since it corresponds most closely to average in-use mileage, thereby providing car-buyers with an absolute mpg value that will be achieved in-use by many drivers. The groups which favored the single estimate did so on the basis of its simplicity and emphasis on the comparative nature of the data. One group suggested that units of gallons-per-mile be used rather than miles-per-gallon to further emphasize consumption, but this presents the same problems as an index. The groups that favored a range did so on the basis of its greater accuracy in predicting in-use performance and its conveyance of the concept of in-use variability. On the other hand, the range approach was criticized for failing to relate to a specific type of driving which results in lack of meaning to an individual car-buyer.

Summary of Comments From Individuals

Of the letters received from individuals, very few favored either no change or the use of an index. More than half of the letters received expressed no clear preference for any of the alternatives proposed in the notice, but instead expressed the views that the use of the estimates in advertising by manufacturers and dealers is misleading and that the estimates are higher than in-use mileage and should be made more accurate. About 25 percent of the letters indicated preference for the single number, including one dealer who responded, and about an equal number favored the range option.

Summary of Results of Public Meetings

Public meetings were held on this rulemaking in Chicago, Boston, and Atlanta on March 2, 9, and 10, respectively to solicit public input and to publicize EPA's concerns. Similar to the letters received from individuals, the views expressed by individuals of the public meetings were diverse. Only one manufacturer made a public statement. Attendance at the meetings was limited, however, although press coverage was quite good and served to encourage written responses.

Summary of Results of Consumer Use (Focus Group) Study

A limited study of consumer perception was conducted in which marketing analysis techniques were used to explore car-buyers' views on how mileage information is best presented. The study consisted of a series of group discussions, referred to as "focus groups" for which a few individuals who had recently purchased new cars were randomly selected.

Six focus group sessions were held, two each in the cities of Philadelphia, New Orleans, and Los Angeles.

The participants in the study indicated that although mileage was an important factor in the purchase decision for a new car, other factors were frequently of more importance. The findings of that study indicated that consumers relate best to mpg figures; an index would not be likely to be perceived as useful. In addition, the groups indicated an interest in mileage information that would predict the mileage that they would achieve in driving. Group participants supported the use of a range of mpg performance as a means to communicate the variability of fuel economy in cars in use. Both the annual fuel cost information and the range of mileages for comparable cars were considered to be confusing and relatively useless. (Both pieces of information are being retained since they are required to be on the labels by § 506 of the Act.)

Summary of Comments From Other Federal Agencies

EPA consulted with DOT, FTC, and DOE in the preparation of this final rule as required by § 506 of the Act. A letter from the FTC dated April 17, 1978, noted the limited data with which EPA must make a decision and urged that action taken for the 1979 model year be a limited, interim action. The FTC specifically recommended that EPA drop the use of the highway and combined estimates and the label "city" for the remaining estimate for the 1979 model year. The FTC cautioned, however, that in view of the need for further study as discussed previously, care must be taken to portray whatever action is adopted as an interim measure. Otherwise, the action will be perceived by the public as a better solution than it was intended to be, and should the public be disappointed, it would be difficult to ever regain credibility. In order to avoid confusion regarding the meaning of the term "interim" as it might appear

on the labels (consumers might think that a more accurate estimate would be forthcoming in 1979 which will not be the case), the interim nature of the system in use in 1979 will be explained in the "1979 Gas Mileage Guide", the booklet listing mileage estimates which is required to be available free of charge to every prospective new automobile purchaser in the showrooms.

In informal discussions, DOE staff expressed the view that major action should be deferred due to the inadequacy of the data now available and that only changes to the caveat that appears on the labels be made at this time to more clearly communicate the limitations of the estimates. However, DOE staff recognized that EPA might nevertheless find it in the public interest to take more substantive action for the 1979 model year and recommended that any interim action entail the fewest changes from the current program to minimize public confusion should future changes be made. Specifically, DOE recommended the retention of the city, combined and highway estimates but with a correction factor applied to lower the values that would appear on the labels.

DOT's National Highway Traffic Safety Administration (NHTSA) staff expressed concerns similar to those expressed by DOE's staff. However, NHTSA staff had additional concerns due to their responsibilities in connection with the administration of average fuel economy standards established under § 502 of the Act. Although inclined toward the use of an adjustment factor, NHTSA urged that the program's nomenclature be changed so that there would not be confusion due to the use of one set of "city," "highway," and "combined" numbers on labels and different numbers with the same names in the fuel economy standards program. [Section 503(d) of the Act does not permit the use of other than the old values as the basis for the standards program.] DOT also expressed a concern that the simple use of and adjustment factor might make it appear that the 1979 cars will have poorer fuel economy than the 1978 cars, which will not be the case.

Clearly, the suggestions of each of the agencies could not simultaneously be adopted. However, EPA believes that the action adopted for 1979, essentially the FTC's suggestion, best addresses the concerns of all of the interested agencies: It is an interim, limited action involving the continued use of one of the estimates now in use. The estimate that will be used is the lowest and should reduce consumer dissatisfaction resulting from reliance on the combined and highway values. It does not conflict or appear inconsistent with the fuel economy standards program. The use of a single value simplifies comparisons. It does not appear to be more of an improvement than it is (as might be the case with a program that changed both nomenclature and mpg values) and can be readily communicated to the public. Without overstating the anticipated benefits of the adopted approach, it does appear to be the best action EPA can take at this time and for the short term.

Conclusions

There is no consensus of opinion on which option or variation thereof should be adopted, even among commenters expected to have similar interests and perspectives. Nevertheless, several problem areas in the current program were consistently identified, albeit with varying emphasis, throughout the comments.

In general, the common points raised were that the mileage information on new car labels does not effectively communicate either the comparative nature of the estimates or the concept of a wide range of in-use mileage for individual cars of the same model type. Rather, the program tends to imply that the estimates are predictions of in-use mileage for the individual driver, and relies on the individual car-buyer to recognize and consider the relationship between the type of driving defined as city and highway by the EPA test and his own. Current advertising practice and the fact that EPA estimates are higher than the average achieved in use were considered to exacerbate the problem and contribute to consumer misconceptions, particularly since advertising often plays a major role in forming a car-buyers' expectations and is the primary source of public exposure to EPA's fuel economy ratings.

The written comments and those provided by other Federal agencies in consultation with EPA tended to support the following more specific conclusions regarding the mileage information program.

1. To be perceived by most car buyers as useful, mpg values must be provided rather than an index in terms other than mpg;

2. Most car buyers who commented believe that the mpg values published by EPA should be "realistic" but currently are not (this generally translates into the belief that the values are too high);

3. The reminder on the label, the caveats required in advertising, and the information in the "Mileage Guide" have failed to communicate to most car buyers the appropriate information on what their expectations of in-use performance should be, how EPA's fuel economy ratings should be used and what variability may be expected in fuel economy actually experienced in use for nominally identical cars (cars of the same model with the same optional equipment);

4. The labels and advertising do not focus on the comparative nature of the estimates;

5. Use of the estimates in advertising often contributes to car buyers' unrealistic expectations and disappointment; and

6. The current program relies too heavily on the car buyer to collect and evaluate information on what the estimates mean.

It appears that the current mileage information program would be significantly improved by designing the labels to more clearly and simply convey to the user the concepts of comparison and in-use variability. Simplicity is particularly important for broadcast advertising purposes, since the message must be conveyed in a short time with minimum reliance on qualifiers. In addition, to consider the estimates useful, car-buyers apparently must be confident that they are reasonably accurate in reflecting achievable on-the-road mileage, i.e., it is not enough for the ranking provided by the ratings to be correct.

Thus, the action taken for 1979 is not likely to satisfy many of those who commented on the NPRM; indeed, it does not satisfy EPA in the sense that a better solution may be found for future model years. However, in EPA's judgment, the requirements described in the following section appear to be the best means available to EPA for addressing the concerns expressed and problems identified given the time and data available for the 1979 model year.

Discussion of Requirements Established by This Rulemaking

This regulation requires that the label contain a prominently displayed single estimate called the "Estimated mpg" which will be the value now called the "city" number. Information on the meaning of this estimate would be provided in a brief paragraph highlighted on the labels and in substantially more detail in the "Gas Mileage Guide." (The label verbiage would also refer readers to the "Guide" and inform them of its availability in dealer showrooms.) The FTC staff and EPA are also consulting on the revision of the FTC advertising guidelines as appropriate.

In addition to deleting two of the mpg values, these rules have deleted the terminology "city," "highway," and "combined" from the labels. Use of these terms has been found to be undesirable, because they tend to imply a degree of accuracy in predicting a driver's in-use mileage under specific conditions (what he perceives as "city" and "highway" driving) which simply cannot be provided by any

standard test. Factors such as trip length, weather, a car's condition or individual options, and driver habits have a significant effect on mileage, and clearly the conditions under which a car is driven in use in many cases will not match those reflected in testing due to the tremendous variety of in-use conditions. But even where conditions are very similar, factors such as production and test-to-test variability would cause in-use mileage to range around a point estimate that is measured on a standard test. To put it another way, the current means for publishing mileage information do not effectively convey the idea of a range of in-use fuel economy, particularly as used in advertising, nor does it adequately warn the prospective new car purchaser that he cannot use the rating from any standard test to determine whether he will be getting better fuel economy with the car he is planning to buy than with his present car.

Equally important, the current labels do not focus on the comparative nature of the data, a problem that is also exacerbated in advertising. That is, EPA has not been successful in communicating that although a driver should not expect the mileage EPA measured, he can benefit by using the ratings to rank cars.

EPA is mindful of the manufacturers' concerns regarding the inability of the city test to demonstrate the advantages of vehicles with options whose main fuel economy benefits are seen on the highway (e.g., overdrive transmissions), or to provide an ideal ranking for highway driving. (This concern is relevant only to the labeling program; the combined number, which is based in part on the highway test, will still be the basis for standards compliance determinations.) However, the rankings are usually the same on the city and highway tests (particularly within classes of comparable vehicles), and even in those cases in which the rankings are not the same on the two tests, the difference in ranking would be relevant only to drivers who do predominantly highway driving. On the other hand, the absolute value of the city estimate is more likely to be actually achieved by, and less likely to deceive, car-buyers in general than the combined or highway values. Thus, use of the city estimate reduces the potential for consumer deception and this must outweigh minor inadequacies in the data for a fraction of a minority (those who do predominantly highway driving and who are choosing among model types with different highway and city rankings). In any case, labels are not the only means available to the industry to communicate with its customers; advertisements and promotional materials in the showrooms can be used to communicate the degree of benefit that can be expected in highway driving from options, or to otherwise compare qualitatively the highway performance of different models. Nevertheless, EPA will include information in the "1979 Gas Mileage Guides" pointing out such city/highway discrepancies as the effects of overdrive and the advantage of Diesels.

Thus EPA is renaming the "city" estimate simply "Estimated mpg" and deleting the "highway" and "combined" estimates. A number of studies (available on the public record of this rulemaking) have shown that, of the currently published values, the city number is closest to average in-use mileage. Thus, the city number is considered to provide the consumer the best single estimate of average overall performance. This should improve the system by simplifying the use of the estimated mileage for comparisons while eliminating the use of the mileage estimates least likely to be achieved in-use.

Retaining the current test value maintains some continuity with the 1975 through 1978 programs which is an advantage in light of the expectation that this will only be an interim action. In addition, it should be noted that some labels will be on model year 1979 cars under the old system since those cars will have been introduced early, precluding compliance with these amendments. By retaining one of the old values, comparisons will still be possible among cars labeled under the old and new rules.

EPA considered and still is favorably disposed to providing a more realistic range of in-use mileage than that conveyed by the current system, in view of the apparent desire for such information indicated by many consumers in their comments, and by the fact that no one value fully characterizes a car's fuel economy. However, the publication of such range is very likely to be interpreted by many consumers as a guarantee or promise that their cars will necessarily fall within that range (although § 506 of the Act specifically notes that the values on the label cannot be a guarantee). Such a range would be inteneded to show typical results, but there are many reasons why an individual might fall outside that range; EPA has no authority to investigate individual complaints or to take action on behalf of an individual for redress of such complaints. Thus, any range used by EPA must be carefully arrived at to minimize these problems. The data now available for developing such ranges are just not adequate to permit this attractive approach to be adopted for the 1979 model year.

These regulations also provide that the fuel cost information will now be based on the "estimated mpg" rather than the combined mileage and that this information will receive a somewhat less prominent position on the label than in previous years. This is in response to the focus group studies which indicated relatively little interest in these data, and the need to direct the public's attention to critical information while providing additional data to those who choose to read on. These data could not, however, be removed from the labels because § 506 requires that information to be displayed.

A detailed discussion of the choice of this action from among the options is on the public record.

Actions Planned for the Future

The EPA intends to review and improve the mileage information program established under the Act on a continuing basis. As noted previously, EPA views this rule as an interim action intended to alleviate problems with the program pending development of the information needed to design the best possible program. In conjunction with FTC and DOE, EPA is initiating an effort to evaluate the effectiveness with which the format adopted in this rule conveys appropriate mileage information so that refinements may be made if needed.

The Agency is also exploring, in coordination with DOE, means for collecting additional data on the relationship between EPA and test values and in-use fuel economy. It is expected that such data will be used in the future to establish ranges of in-use mileage for model types. Such data will also be of use in determining how well fuel economy improvements measured in testing correlate with improvements in use. Furthermore, as noted in the section entitled "Background," this rulemaking is one part of a broader effort to continuously improve the mileage information program. There are some technical issues related to fuel economy testing not addressed in this rulemaking which suggest that, in some cases, the fuel economy measured by the test may not be fully representative of the mileage experienced on the model type in actual use, and which may affect the accuracy of the ranking for that model type as well.

As noted in the NPRM, for small mpg differences among cars, technical considerations limit the degree to which the rankings established by the "Guide" can be interpreted as providing reasonable assurance that in-use performance will rank the same. For example, the relative ranking established in the "Guide" for a 20 mpg car as compared to a 21 mpg car is not highly significant because of the confounding effect that both production variability and test-to-test variability tend to have on the accuracy of the measured value. Neither of these factors can be readily controlled by any

testing organization and, as such, represent technical limitations to the reliability of the data. However, for larger differences in estimated mpg, there is proportionally increasing confidence that the higher ranked car will provide the potential car buyer with better mileage than would the lower ranked car.

Some improvements to the test procedure have been made for model year 1979. For example, past testing procedures provided for testing of vehicles with manual transmissions at the speeds recommended by the manufacturers. There were some cases in which the recommended shift points were not those that would be likely to be used by the typical driver, but were those which would maximize fuel economy. EPA eliminated this practice for 1979 and later model years. Similarly, some manufacturers may have been able to have a limited number of their vehicles tested under conditions which gave them credit for better aerodynamic characteristics than the production vehicles actually have. EPA limited this practice as well.

Beginning in model year 1980, regulations become effective that require vehicles to be tested on the dynamometer with a setting that more accurately reflects their weight than the current procedure.

Other potentially significant problem areas in testing that cannot yet be addressed include the effect of tires on in-use mileage and the representativeness of tires used in testing of on-the-road mileage effects. The EPA currently has a program underway to evaluate the effects of tires so that solutions may be developed in the long term. The EPA is also investigating the potential differences between test and production cars and means for controlling such differences should they exist.

In addition, the EPA is currently considering (in consultation with DOE) means by which the "Gas Mileage Guide," which contains important fuel economy information, may receive earlier distribution.

Availability of Material

A copy of all public comments is available for inspection and copying at the U.S. EPA, Public Information Reference Unit, room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Note.—The Environmental Protection Agency has determined that this regulation does not require preparation of an Economic Impact Analysis under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: May 8, 1978.

Douglas N. Costle,
Administrator.

Part 600 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended as follows:

§ 600.206-79 [Amended]

1. In § 600.206-79 paragraphs (b) and (c) are deleted.

2. In § 600.206-80 paragraph (b) and (c) are deleted. As amended the section reads as follows:

§ 600.206-80 Calculation of fuel economy values for a vehicle configuration.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the Administrator) for which data are available.

(1) If only one city fuel economy and one highway fuel economy value exist for a vehicle configuration, those values, rounded to the nearest tenth of a mile per gallon, comprise the city fuel economy value and highway fuel economy value for that configuration.

(2) If more than one city and one highway fuel economy value exist for a vehicle configuration:

(i) All data shall be grouped according to each unique road load horsepower setting/test weight combination at which the data was generated.

(ii) Within each group of data, all values are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest 0.0001 mile per gallon for the highway values, in order to determine a city and a highway fuel economy value for each road load horsepower setting/test weight at which the vehicle configuration was tested.

(iii) All city fuel economy values and all highway fuel economy values calculated in (ii) are (separately for city and highway) harmonically averaged in proportion to the relative sales within the vehicle configuration (as provided to the Administrator by the manufacturer) of vehicles of each tested road load horsepower setting/test weight combination. The resultant values, rounded to the nearest 0.0001 mile per gallon, are the city and highway fuel economy values for the vehicle configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values, as determined in § 600.206(a) (1) and (2), weighted 0.55 and 0.45, respectively, and rounding to 0.0001 of a mile per gallon. A sample of this calculation appears in Appendix II to this Part.

3. In § 600.207-79 paragraph (a)(2), (a)(2)(iii), and (a)(3)(iii) are amended; (c) and (d) are deleted. As amended the section reads as follows:

§ 600.207-79 Calculation of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values, as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each road load/car line/vehicle configuration combination.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.079-21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration consitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under §§ 86.079-32, 86.079-33, and 86.079-34) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective gen-

eral label values) data as specified in § 600.006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle tested will be tested at the road load horsepower with the highest projected sales within the vehicle configuration.

(4) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(5) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from test conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001 mpg.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

4. In § 600.207-80 paragraph (a)(2), (a)(2)(iii), and (a)(3)(iii) are amended; (c) and (d) are deleted. As amended the section reads as follows:

§ 600.207-80 Calculation of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each test weight/road load/car line/vehicle configuration combination.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1) of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.079-21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under §§ 86.079-32, or 86.079-33, 86.079-34) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective general label values) data as specified in § 600.000. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle will be tested at the road load horsepower/test weight combination which has the largest projected sales within the vehicle configuration.

(4) The procedure specified in § 600.207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(5) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from tests conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales, of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing:

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

5. By amending § 600.306-79 (a) (1) and (2) to read as follows:

§ 600.306-79 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in §§ 600.307 and 600.308, or

(2) A specific label, as described in §§ 600.307 and 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

* * * * *

6. By adding a new § 600.307-79 to read as follows:

§ 600.307-79 Format and contents of labels.

(a) Fuel economy labels must be rectangular in shape, contain the EPA and DOE logos and the title "Fuel Economy Rating," be printed in a color which contrasts with the paper color and in a type size that is easily readable and be large enough to allow inclusion of all required information.

(b) Fuel economy labels must contain the following information in the applicable format illustrated in Appendix VI or such other format as may be approved by the Administrator:

(1) The word "Model" or "Vehicle," as appropriate, for general and specific fuel economy labels, respectively, followed by the description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308(a) or § 600.309(a), as applicable,

(2) The phrase "Estimated MPG: For Comparisons" followed by the fuel economy estimate specified in § 600.308(b) for general labels or § 600.309(b) for specific labels, as applicable, and a paragraph, circumscribed by a rectangular box, reading as follows: "The Estimated mileage for this model ('design' for specific labels),——, is to be used to compare cars (trucksor vehicles) of this model (design) with other cars (trucks or vehicles). Your own mileage may be poorer depending upon options, driving conditions, your driving habits and your car's (truck's or vehicle's) operating condition.

(3) The phrase "other (vehicle class as determined by the Administrator pursuant to § 600.315) models ('special vehicles' for Special purpose vehicles):" followed by a paragraph circumscribed by a rectangular box reading as follows: "The estimated mpg numbers for other similar sized cars (trucks or vehicles) ranges from—— to——mpg (as of (date)). By comparison, the estimated mpg of this model (design) is ——. Use these numbers to compare different models. Consult the 'Gas Mileage Guide' for further information."

(i) The fuel economy range required by this paragraph is calculated and supplied to the manufacturer by the Administrator in accordance with § 600.311.

(ii) If no fuel economy range for other models has been supplied to the manufacturer by the Administrator at the time a vehicle is to be labeled or within the time constraints permitted by § 600.306(b), the paragraph (a)(3) of this section shall be replaced by the statement: "A range of mpg numbers for other car (truck or vehicle) models of similar size was not available when this car was labeled (date)."

(4) The phrase "annual fuel cost:" followed by the annual fuel cost and the phrase "based on——mpg,——miles per year,——¢/gallon."

(i) The annual fuel cost, average miles driven per year, and cost of fuel will be calculated and supplied by the Administrator in accordance with § 600.308(c) for general labels or § 600.309(c) for specific labels, as applicable.

(ii) The mpg used in determining annual fuel cost is that given in subparagraph (2) of this paragraph.

(5) The paragraph "Ask the dealer for the free "1979 Gas Mileage Guide" to compare the Estimated MPG of other cars (trucks or vehicles). It will tell you how to use these numbers."

(c) The fuel economy estimate required by paragraph (b)(2) of this section shall be highlighted by being in type no less than four times the size of the next largest print on the label (excluding the title and logos) or by such other means as may be approved by the Administrator.

7. By adding a new § 600.308-79 to read as follows:

§ 600.308-79 General label contents.

(a) The vehicle description to be used on general labels shall include the following:

(1) Model year;

(2) Vehicle car line;

(3) Engine displacement, in cubic inches, cubic centimeters, or liters whichever is consistent with the customary description of that engine;

(4) Number of engine cylinders;

(5) Transmission class;

(6) Catalyst usage, if necessary to distinguish otherwise identical model type;

(7) Fuel metering system, including number of carburetor barrels, if applicable; and

(8) California emission control system usage, if applicable and if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(b) The "Estimated MPG" to be used on general labels shall be the city fuel economy value calculated in § 600.207(b)(3) and rounded to the nearest whole mile per gallon.

(c) The annual fuel cost estimate for operating an automobile included in a model type will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage, predetermined by the Administrator, and the fuel economy determined in paragraph (b).

(1) The annual fuel cost estimate for a model type is computed by multiplying:

(i) Fuel cost per gallon expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage, expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the fuel economy value determined in paragraph (b) for a model type (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (c)(1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on general labels for that model type.

8. By revising § 600.309-79 to read as follows:

§ 600.309-79 Specific label contents.

(a) The vehicle description to be used on specific labels shall include the following:

(1) Model year;

(2) Vehicle car line;

(3) Engine displacement, in cubic centimeters, or liters, whichever is consistent with the customary description of that engine;

(4) Number of engine cylinders;

(5) Transmission class;

(6) Catalyst usage, if so equipped;

(7) Fuel metering system, including number of carburetor barrels, if applicable;

(8) Inertia weight class;

(9) Axle ratio;

(10) Other engine or vehicle parameters; and

(11) California emission control system usage, where applicable, and if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(b) The "Estimated MPG" to be used on specific labels shall be the city fuel economy value calculated in § 600.206(a) (1) or (2) and rounded to the nearest whole mile per gallon.

(c) The annual fuel cost estimate for operating an automobile included in a vehicle configuration will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage and the fuel economy determined in paragraph (b).

(1) The annual fuel cost estimate for a vehicle configuration is computed by multiplying:

(i) The annual fuel cost per gallon (as obtained by the Administrator from the FEA Administrator), expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage (as obtained by the Administrator from the Secretary), expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the fuel economy value determined in paragraph (b) for a vehicle configuration (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (c)(1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on specific labels for that vehicle configuration.

9. By adding a new § 600.311-79 to read as follows:

§ 600.311-79 Range of fuel economy for comparable automobiles.

(a) The Administrator will determine the range of fuel economy values

for each class of comparable automobiles.

(1) The range of fuel economy values within a class is the maximum "Estimated MPG" and the minimum "Estimated MPG" value for all general labels as determined in § 600.308(b) regardless of manufacturer.

(2) If the Administrator determines that automobiles intended for sale in California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will compute separate ranges of fuel economy values for each class of automobiles for California and for the other states.

(3) For high altitude vehicles determined under § 600.310, both general and specific labels will contain the range of comparable fuel economy computed in this paragraph.

(4) The range of comparable fuel economy values for a class of automobiles is derived from the latest available data approved by the Administrator for that class of automobiles.

(b) The manufacturer shall include the range of fuel economy determined by the Administrator in (a) on each label affixed to an automobile within that class except as provided in § 600.306.

10. By adding Appendix VI to read as follows:

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

A. GENERAL LABEL FOR PASSENGER CARS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE CARS OF THIS MODEL WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

B. GENERAL LABEL FOR TRUCKS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE TRUCKS OF THIS MODEL WITH OTHER TRUCKS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

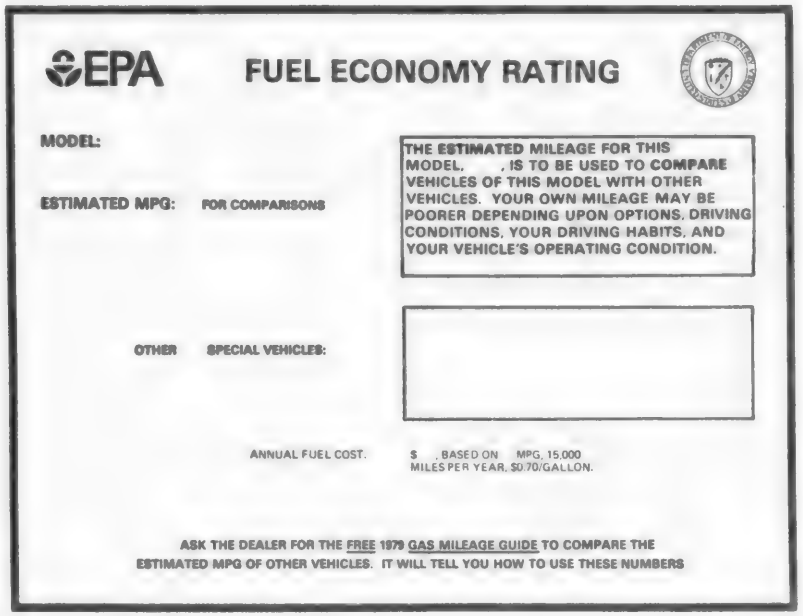
OTHER MODELS:

ANNUAL FUEL COST $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER TRUCKS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

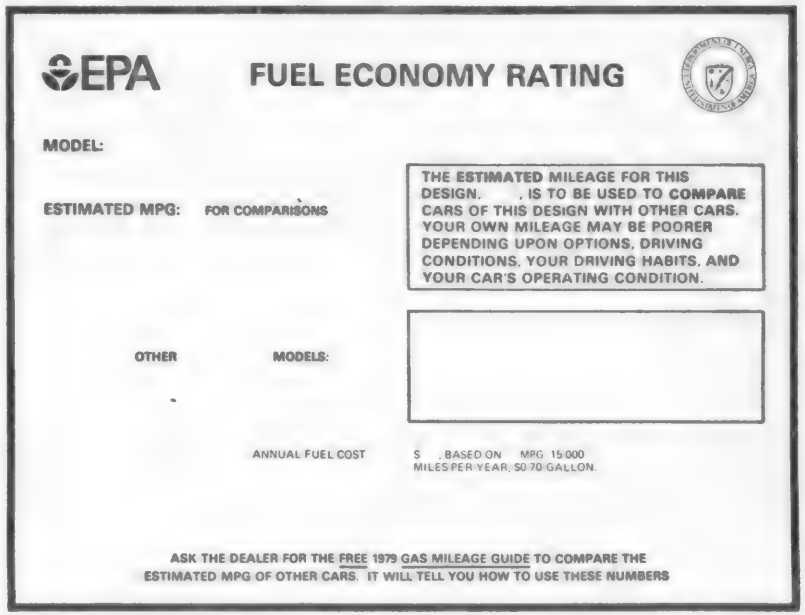
APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

C. GENERAL LABEL FOR SPECIAL PURPOSE VEHICLES


EPA
FUEL ECONOMY RATING
MODEL:
ESTIMATED MPG: FOR COMPARISONS
THE ESTIMATED MILEAGE FOR THIS MODEL, , IS TO BE USED TO COMPARE VEHICLES OF THIS MODEL WITH OTHER VEHICLES. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR VEHICLE'S OPERATING CONDITION.
OTHER SPECIAL VEHICLES:
ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.
ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER VEHICLES. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

D. SPECIFIC LABEL FOR PASSENGER CARS


EPA
FUEL ECONOMY RATING
MODEL:
ESTIMATED MPG: FOR COMPARISONS
THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE CARS OF THIS DESIGN WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.
OTHER MODELS:
ANNUAL FUEL COST $, BASED ON MPG 15,000 MILES PER YEAR, $0.70 GALLON.
ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

E. SPECIFIC LABEL FOR TRUCKS

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE TRUCKS OF THIS DESIGN WITH OTHER TRUCKS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR TRUCK'S OPERATING CONDITION.

OTHER MODELS:

ANNUAL FUEL COST: $, BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER TRUCKS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

F. SPECIFIC LABEL FOR SPECIAL PURPOSE VEHICLES

EPA FUEL ECONOMY RATING

MODEL:

ESTIMATED MPG: FOR COMPARISONS

THE ESTIMATED MILEAGE FOR THIS DESIGN, , IS TO BE USED TO COMPARE VEHICLES OF THIS DESIGN WITH OTHER VEHICLES. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR VEHICLE'S OPERATING CONDITION.

OTHER SPECIAL VEHICLES:

ANNUAL FUEL COST: $ BASED ON MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER VEHICLES. IT WILL TELL YOU HOW TO USE THESE NUMBERS

APPENDIX VI—1979 MODEL YEAR FUEL ECONOMY LABEL FORMAT

G. SAMPLE OF LABEL WITH DATA INSERTED

EPA **FUEL ECONOMY RATING**

1979 AJAX

MODEL: 200 CUBIC INCH ENGINE, 6 CYLINDERS, 3-SPEED MANUAL TRANSMISSION, 2 BARREL CARB.

ESTIMATED MPG: FOR COMPARISONS

19

THE ESTIMATED MILEAGE FOR THIS MODEL, 19, IS TO BE USED TO COMPARE CARS OF THIS MODEL WITH OTHER CARS. YOUR OWN MILEAGE MAY BE POORER DEPENDING UPON OPTIONS, DRIVING CONDITIONS, YOUR DRIVING HABITS, AND YOUR CAR'S OPERATING CONDITION.

OTHER MID-SIZE MODELS:

THE ESTIMATED MPG NUMBERS FOR OTHER SIMILAR-SIZED CARS RANGE FROM 10 TO 23 MPG (AS OF SEPT. 16, 1978.) BY COMPARISON, THE ESTIMATED MPG OF THIS MODEL IS 19. USE THESE NUMBERS TO COMPARE DIFFERENT MODELS. CONSULT THE GAS MILEAGE GUIDE FOR FURTHER INFORMATION.

ANNUAL FUEL COST: $553, BASED ON 19 MPG, 15,000 MILES PER YEAR, $0.70/GALLON.

ASK THE DEALER FOR THE FREE 1979 GAS MILEAGE GUIDE TO COMPARE THE ESTIMATED MPG OF OTHER CARS. IT WILL TELL YOU HOW TO USE THESE NUMBERS

(Sec. 506, Motor Vehicle Information and Cost Savings Act, as amended by sec. 301, Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2006))

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